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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,212	10/24/2003	Jeffrey Stephen Tomaka	330537-00003	2272

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EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/693,212

Applicant(s)

TOMAKA, JEFFREY STEPHEN

Examiner

Cassandra Davis

Art Unit

3611

[Signature]

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 5, 8, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Pokrinchak, U. S. Patent 4,510,708.

With respect to claim 1, Pokrinchak teaches a film viewer comprising a housing 11 formed with a viewing window 13 for receiving films to be viewed and a film grip assembly 37 mounted on the housing adjacent the viewing window for holding films. Pokrinchak also teaches a lamp 19 disposed beneath the viewing window for illuminating the viewing window and an electrical power cord connected to a power source for providing electrical power to the lamp, wherein the housing is configured as a clipboard. Pokrinchak also teaches an automatic control circuit for switching the source of electrical power on whenever a film is inserted into the film grip assembly and turning off the source of electrical power when the film is removed. (See column 7, lines 4-21)

With respect to claim 3, the power cord is connected to AC power source.

With respect to claim 8, the film grip assembly includes a top plate 39 connected to the housing in a cantilever configuration defining a film receiving slot between the lip 40 of the plate 39 and the surface of the window 13.

With respect to claim 9, Pokrinchak teaches the top plate includes at least bosses and the film grip assembly includes plurality of balls 41 and spring 42 received the boss 38 configured such that the balls are biased toward the housing.

With respect to claim 10, the housing 11 has a flat bottom surface and is therefore configured to rest on a flat surface.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pokrinchak in view of Hill, U. S. Patent 5,174,607. Hill teaches an illuminated clip board made of plastic. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the illuminated device taught by Pokrinchak of a plastic material as taught by Hill to provide a light weight and durable device.

5. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pokrinchak in view of Abrams, U. S. Patent 4,751,615. Abrams teaches an illuminated clipboard utilizing either AC power or DC (battery) power. It would have been obvious to one having ordinary skill in the art at the this invention was made to construct the device taught by Pokrinchak adapted to use AC or DC power as taught by Abrams to provide a means to utilizing the device using electrical power supply in building or to make the device portable.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pokrinchak in view of Wright et al, U. S. Patent 4,751,620. Wright is cited to show an illuminated clipboard with a knob next to hasp 38 in figures 1 and 2. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the illuminated device taught by Pokrinchak with the knob taught by Wright to provide a means to hold when handling or moving the device.

7. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pokrinchak, since the applicant does not disclose that the micro-switch or optical sensor solves any stated problem or is for any particular purpose, it appears that constructing the illuminated device the switch mechanism taught by Pokrinchak would perform equally well.

Allowable Subject Matter

8. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cassandra Davis
Primary Examiner
Art Unit 3611

CD
September 30, 2004